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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,819	04/24/2001	Hendrik J. Bergveld	PHN 16,698A	5322
24737	7590	08/07/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NGUYEN, SIMON	
			ART UNIT	PAPER NUMBER
			2618	
DATE MAILED: 08/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/840,819	Applicant(s) BERGVELD ET AL.	
	Examiner SIMON D. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawano et al. (5,774,797).

Regarding claims 16 and 20, Kawano discloses a communication device (portable telephone)(abstract, fig.3), comprising: an amplifier (132) which outputs a signal having a frequency value (column 7 lines 6-30) wherein a power of the communication device is varied in dependence of the frequency value by controlling a DC/DC converter, wherein the control input value of which is exclusively controlled in

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dependence of the frequency value to vary an electrical supply of the amplifier (figs.3, 7, columns 8 lines 1-4, column 9 lines 1-20).

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 16, where the communication system comprising a base station (column 8 line 2).

Regarding claims 13, 17, and 21, Kawano further discloses a memory for storing a power control data (#3 fig.1, column 5 lines 58-61).

Regarding claims 14, 18, and 22, Kawano further discloses a comparator for comparing a level of the signal with a desired signal level (column 9 lines 1-8).

Regarding claims 15, 19, and 23, Kawano further discloses the desired signal level provided by a base station (column 8 lines 1-2).

Response to Arguments

3. Applicant's arguments filed 6/5/06 have been fully considered but they are not persuasive.

Responsive to Applicant has stated that Kawano fails to teach or suggest the step of varying the power output based on the transmission frequency value.

Carefully reviewing the prior art issued to Kawano and the examiner disagrees for the following reason: According to Kawano, prior to transmitting a signal, the signal is shaped its waveform by a processing circuit, modulated the signal by an orthogonal modulator, sent the RF transmission signal to a transmitter unit. A variable gain amplifier (VGA) in the transmitter unit amplifies the RF transmission signal according to a control signal from the APC unit and forwards it to a power amplifier for transmission

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according to a set level, wherein the power at the output of the power amplifier is detected by a power detector and the power detector sends the detected signal to the APC. **If there is any deviation from a set level of the transmission power, the APC unit will adjust the gain of the VGA or the VGA changes the transmission power (column 7 lines 6-47, fig.3).** It should be noted that the transmission power set by the APC is only used for the transmission signal shaped, modulated by the processing/modulator units as cited above. Which means the transmission power based on the transmission signal value. Therefore, Kawano indeed teach the step of varying the power output based on the transmission frequency value. As the result, the rejection stands.

Conclusion

4. This is the rejection of applicant's earlier Application No. 09/840,819. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Knox building,
501 Dulany, Alexandria, VA.

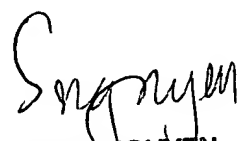
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Simon Nguyen

August 2, 2005


SIMON NGUYEN
PRIMARY EXAMINER